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MEMORANDUM

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On 8 February 1959, at 10:30, the Federal Chancellor received the American Foreign Minister, Mr. Dulles, for a conversation in which participated the Minister for Foreign Affairs, State Secretary van Scherpenberg, Ambassador Bruce, and Assistant Secretary of State for European Affairs, Mr. Livingstone Merchant.

The Federal Chancellor began by saying that Mr. Blankenhorn had told him that in the view of both Mr. Couve de Murville and Mr. Spaak all negotiations on the big questions must include Berlin. Everything should be done to do away with the date of May 27 since otherwise negotiations would be conducted under pressure of the Berlin question. If the results were negative--and he considered this a probability--everything would be much more complicated and the situation still more tense. It would have an extremely favorable effect on the negotiations if it were possible to achieve in time a preliminary settlement for Berlin.

He wished to invite attention to the fact that Khrushchev, in his final address before the Party Congress, had introduced, in his statements concerning Berlin, certain nuances which deviated somewhat from the contents of the Note of 27 November. It could not be said whether it would be possible to find such a solution without doing harm to the prestige of the three Western Powers or without shaking the trust of the Berliners. One would have to wait first for the exact wording of the statements made by Khrushchev.

The Chancellor then said when Herr Krapf delivered the Memorandum in Washington, the American Foreign Minister had inquired as to what the United States should do if the bridges on the roads of access to Berlin in the GDR were blown up. To this he wished to reply that a very critical situation would be created if it should come to the use of force in not too strong a form. He had, therefore, a moment ago talked about a preliminary settlement of the Berlin question; for if that could be achieved such critical situation could not at all arise. However, if it should be impossible to find such a solution and if the situation should come to a critical point, one cannot find an answer today to every conceivable contingency. He only wished to stress three general principles of a negative character. There are three things which must not happen. First, there must be no development which would make evident disunity among the three Western Powers. Secondly, the three Western Powers, particularly the United States, must not let themselves be forced into a position in which they cannot retreat from a position once taken.

The American Foreign Minister interjected the question whether the Chancellor was thinking of a territorial position or of a position in a figurative sense, for instance, in a legal sense.

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DEPARTMENT OF STATE A/CN/HR

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The Chancellor replied that it was not a territorial position which he had in mind. Thirdly, under no circumstances should atomic weapons be used.

The Chancellor furthermore pointed out that according to information available to him the Soviets at this moment have stationed in the Soviet Zone twenty highly armed divisions. He could add nothing further to the questions asked by the Foreign Minister since developments cannot be foreseen.

The American Foreign Minister stated that, if the Soviets should attempt, either directly or through the GDR, to interfere with access to Berlin by force he thought the West should be prepared to use force, if necessary, in order to overcome the force used by the adversary.

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U.S. DEPARTMENT OF STATE

FORWARDED BY *DP* *1/2/68*
FOR THE DIRECTOR AT 11 111

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The Chancellor remarked that in 1968 the NATO Treaty is subject to denunciation. He had talked about this with the Foreign Minister as early as December 1957. He considered it would be a good thing if this date could be put off far into the future. One should talk about this during the next few years. He was certain that the Soviets had included into their calculations this possibility which exists as of 1968.

The American Foreign Minister pointed out that, in reply to this apprehension of the Chancellor, President Eisenhower and he himself had publicly stated that the United States considered the treaty to be an agreement of unlimited duration. He asked the Chancellor for how many years the treaty should be extended.

The Chancellor talked of 20 years beginning in 1968. He emphasized in particular the moral strength which all European States derive from this treaty which, after all, constitutes the link with the United States. In the event of a dissolution of NATO this moral strength would be lost. He is at present worried about the development in Italy. In France de Gaulle has been elected for seven years. Yet one does not know what will come afterwards. In the Federal Republic elections take place every four years and while the present government enjoys a good majority the opposition is very foolish. The closer 1968 approaches the greater his worries are. He therefore requests that this question be examined because it depended ultimately on the United States.

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The American Foreign Minister said he had never thought one could force a nation effectively to continue adhering to an international treaty which is based on international cooperation unless this is also the wish of the State concerned. If the Government wished to withdraw from a treaty relationship, it would always do so even if, in a technical sense, it would perhaps not withdraw completely. He was thinking, for example, of Iraq, which, while technically still a member of the Baghdad Pact could hardly be called so in practice. Some time ago Greece had threatened to leave NATO because of the Cyprus conflict and if this had been her earnest desire Greece would not have let anyone interfere with her action even if the treaty had ten more years to run. The value of an agreement depends upon the willing cooperation of its members. If this is lacking no legal technical language can replace it. The treaties which he himself had negotiated were animated by this spirit. If a State wishes to withdraw from a treaty, paper shackles will not prevent it from doing so. He himself therefore did not attribute to the problem raised by the Chancellor the same importance. Perhaps his views were a bit uncommon inasmuch as he lays greater stress on the spirit of a treaty than on its letter. On the other hand, he was not opposed to efforts to have the treaty extended. He questioned, however, whether now was the opportune moment to raise this point. Ten years are a long time and furthermore the views of de Gaulle would make it appear extremely difficult to obtain French approval to an extension. If the question were raised now he was certain that de Gaulle would submit counterproposals which would have a dividing rather than a unifying effect. He would therefore prefer if more States would make a declaration such as made by the United States in 1957. Perhaps the French attitude may change in one or two years.

The Federal Chancellor recognized the difficulties which the French might raise. He said, however, that he could not agree with the general principle. If treaties are concluded and periods of time are provided, one should not let everyone do as he pleases. Certainly, one can not force anyone to continue a treaty relationship. It makes a difference, however, whether a government scraps an agreement or whether it makes use of its right of denunciation as embodied in the treaty. He would take the liberty of returning to this question from time to time.

The American Foreign Minister conceded that his views perhaps would not necessarily be applicable to NATO in view of what it had become. In contradistinction to mere alliances with definite treaty obligations, NATO had become a political institution of its own. The United States hopes that this development continues even stronger. Such institution differs certainly from a mere juridical treaty system and therefore, in this case, perhaps more could be said in favor of an extension of its duration.

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